

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARK CHRISTOPHER CREW,

Petitioner,

VS.

RON DAVIS, Warden of San Quentin State Prison

Respondent.

Case No.: 12-CV-4259 YGR

SCHEDULING ORDER

The Court is in receipt of the parties' joint statement submitted on January 13, 2016.

Petitioner has identified twenty-five record-based claims that can proceed to briefing on the merits without a request for an evidentiary hearing. Petitioner identified eight claims that he believes warrant an evidentiary hearing, and an additional ten ineffective assistance of counsel claims that he believes may require an evidentiary hearing to show deficient performance and prejudice. Petitioner requested an opportunity to brief the basis for such a hearing. The Court will first address the record-based claims and will take up petitioner's request to brief the need for an evidentiary hearing upon resolution of the record-based claims.

In the interest of efficiency, and in order to avoid oversize briefs, the parties shall divide the claims into three groups (by grouping together, for example, claims that have the same factual predicates), and shall file three rounds of briefing, with each brief addressing no more than nine claims.

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1 Accordingly, by April 4, 2016, petitioner shall file his initial opening brief. The response is
2 due on or before May 4, 2016. The reply is due within fifteen days of the date of service of the
3 response. The parties are requested to observe a 40-page limit for their briefs. A schedule for the
4 second round of merits-based briefing will issue upon resolution of the first round of briefed claims.
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6 **IT IS SO ORDERED.**

7 Dated: February 9, 2016


8 YVONNE GONZALEZ ROGERS
9 UNITED STATES DISTRICT COURT JUDGE